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February 26, 1998

The Honorable Newt Gingrich
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

In compliance with subsection (e) of the Freedom of Information Act (5 U.S.C. §552), I enclose for referral to the appropriate committees of the House of Representatives the Overseas Private Investment Corporation's 1997 Annual Report regarding Freedom of Information Act activities.

Sincerely,

Charles D. Toy
Vice President and
General Counsel

Enclosure

OVERSEAS PRIVATE INVESTMENT CORPORATION 1997 ANNUAL REPORT TO CONGRESS PURSUANT TO 5 U.S.C. §552 (e)

1. Number of initial determinations not to comply with a request for records made under subsection (a) and reasons for determinations.

(a) Reason	Number of Cases
Non-Possession of Records	4
Refusal to Pay Search Fees	0
Failure to Reasonably Describe the Records Sought	0
Request Withdrawn	3
Exempt under subsection (b)	15

(b) Exemptions invoked under subsection (b). (Note: In certain cases, records were withheld in accordance with more than one exemption.)

Exemption Invoked	Number of Times Invoked
(1)	0
(2)	0
(3)	0
(4)	10
(5)	5

(6)	4
(7)	0
(8)	0
(9)	0

2. Total number of appeals from adverse initial determinations pursuant to subsection (a)(6): Two. Both appeals involved requests for documents concerning the Overseas Private Investment Corporation's ("OPIC") Investment Funds program, including the funds' investor lists and annual reports. Upon appeal, OPIC upheld the earlier denials with respect to the investor lists and annual reports.

3. Persons responsible for initial denial of records requested and the number of instances of that person's participation for each.

Name	Title	Number
Richard C. Horanburg	FOIA Officer (former)	3
Laura A. Naide	FOIA Director (present)	12

4. Proceedings conducted pursuant to subsection (a)(4)(F)-- court finding of arbitrary and capricious withholding by agency personnel: None.

5. Agency Rules: No agency rules were promulgated in 1997. OPIC began the process of promulgating new FOIA regulations to be issued in 1998 to comply with the requirements of the Electronic Freedom of Information Act Amendments of 1996.

6. Fee Schedule and total amount of fees collected for making records available.

Photocopying: 15 cents per page
 Search: \$13 per person hour*
 Review Time: \$33 per person hour*
 Total Fees Collected: \$ - 0 -

*Search and review fees and photocopying charges for the first 100 pages are not charged to representatives of the news media, to educational institutions and to non-commercial scientific institutions. All other non-commercial requesters must pay for search time exceeding two hours per request but receive the first 100 pages of photocopying at no charge. Commercial requesters are charged the direct cost of all search and review time, as well as photocopying costs. Fees are charged where applicable unless a fee waiver is requested by the FOIA requester and granted by OPIC.

7. Efforts by the agency to administer fully its responsibilities under the Act.

In 1997, OPIC hired a new FOIA Director and a FOIA Counsel who devote substantial time to FOIA activities. This constituted an increase in FOIA staffing and has resulted in several improvements in OPIC's program, including more efficient FOIA processing procedures, quicker responses to FOIA requesters, and increased FOIA education (see below). OPIC's FOIA staff is assisted and supported by OPIC's Deputy General Counsel, OPIC's Assistant General Counsel for Administrative Affairs, and FOIA Coordinators in each of the agency's departments.

During this reporting period, OPIC's FOIA staff created a program to educate all OPIC employees on the requirements and procedures of the FOIA. This effort will have many positive effects on the agency's FOIA program because any OPIC employee could be asked to help locate responsive records and/or to provide input into the document review process. During the 1998 reporting period, FOIA training sessions will be presented to all OPIC employees.

OPIC's FOIA staff is also working to educate the agency's private-sector clients concerning FOIA procedures and requirements. OPIC works closely with its clients to respond to requests for information, especially when predisclosure notification is required under Executive Order 12600 (June 23, 1987). OPIC's FOIA staff is frequently invited to attend agency program meetings when private-sector clients are in attendance and disclosure issues are discussed.

OPIC also continued work during the reporting period to implement the requirements of the Electronic Freedom of Information Act Amendments of 1996, PL 96-231 (EFOIA). A proposed rule containing amendments to the agency's FOIA regulations has been drafted and is scheduled for Federal Register publication during the third quarter of FY1998. OPIC has brought FOIA online, with its FOIA webpage, which can be accessed at <http://www.opic.gov/subdocs/contact/foia.htm>. Other EFOIA requirements, such as the new response timeframe and multitrack processing, have been implemented, and will be formalized in OPIC's amended FOIA regulations.

OPIC is pleased to report these improvements in its FOIA program, and looks forward to continued progress and success in its information disclosure efforts.

OPIC supports U.S. investment in emerging markets worldwide, fostering development & the growth of free markets.

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